

# **Overview of the Railroad Safety Regulatory Program and Standards-Related Partnership Efforts**

**September 13, 2000**

## **Legend:**

**ANPRM    Advance Notice of Proposed Rulemaking**

*Italics Indicates project has been identified for development through  
the Railroad Safety Advisory Committee or a similar  
forum for collaborative rulemaking*

**NPRM    Notice of Proposed Rulemaking**

**RSAC    Railroad Safety Advisory Committee**

**SACP    Safety Assurance and Compliance Program**



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## **NOTE:**

**Centralized Docket Management System** - Dockets established after October 7, 1998, are available on the DOT Centralized Docket Management System facility and can be accessed over the Internet (<http://dms.dot.gov>). Detailed information is available at the Web site to assist in viewing documents.

**Revised Docket Filing Procedures for FRA Rulemaking and Adjudicatory Dockets** - Final Rule (64 FR 70193)  
- This final rule amends certain FRA rules to provide accurate information to the public regarding filing requirements for FRA proceedings. The final rule is effective 2/14/00.

## SUMMARY OF CONSENSUS RULEMAKING EFFORTS

**Roadway Worker Safety.** Consensus achieved in formal negotiated rulemaking; final rule published 12/16/96; effective 1/15/97. Denial of AAR and APTA petitions for reconsideration published 4/21/97.

**Passenger Equipment Safety Standards.** NPRM based on working group recommendations was published 9/23/97. Public hearing held 11/21/97. Written comments were due 11/24/97. Working group met 12/15-12/16/97 (general issues) and 1/6/98 (intercity and high speed issues). **Final rule published 5/12/99 (64 FR 25540).**

**Passenger Train Emergency Preparedness.** NPRM based on working group recommendations was published 2/24/97 with significant additions, and a notice of public hearings was published 3/6/97. Public hearings were held in Chicago on 4/4/97 and in New York City on 4/7/97. Written comments were due by 4/25/97. Working group met 8/28/97 and reached agreement in principle on changes for incorporation into the final rule. **Final rule published 5/4/98 (63 FR 24630).**

### **Railroad Safety Advisory Committee:**

Last full Committee meeting 5/19/2000

Last RSAC Working Group Activity Update published in Federal Register 5/9/00 (65 FR 31057).

<u>Task No.</u>	<u>Subject</u>	<u>Status</u>
96-1	Power Brake Regulations, freight, general revision	Working group charter extended to 1/15/97 to produce NPRM; impasse reached at 12/4/96 meeting, and subsequent efforts to renew talks were not successful. FRA withdrew task at 6/24/97 meeting. FRA published second NPRM 9/9/98 (63 FR 48294) reflective of what FRA has learned through the collaborative process. Public hearings 10/26/98 and 11/13/98; technical conference 11/23-24/98. Submission of written comments date due extended to 3/1/99. Public meeting 5/27/99 on FRA motive power and equipment database. Final rule in review within the Executive Branch.
96-2	Track Safety Standards, general revision	Consensus achieved; in balloting that concluded 11/21/96, RSAC voted to accept working group report and recommend NPRM. NPRM published 7/3/97; public hearing held 9/4/97; comment period closed 9/15/97. <b>Final rule published 6/22/98; effective 9/21/98.</b> FRA prepared an amendment to the final track rule providing for the use of Gage Restraint Measurement System technology (GMRS). Both the GMRS final rule amendment and the proposed Safety Standards for Roadway Maintenance Machines were approved by the full RSAC in a mail ballot during August. FRA is preparing the final paperwork to publish the GMRS final rule amendment and Roadway Maintenance Machines NPRM in the Federal Register.

96-3	Railroad Communications (including revision of Radio Standards and Procedures)	Final meeting of working group was held 1/23/97. Working group provided consensus NPRM to RSAC at 3/24/97 meeting. RSAC voted to accept the NPRM and forward to the Administrator in voting concluded 4/14/97. NPRM published 6/26/97; comment period closed 8/25/97. <b>Final rule published 9/4/98 (63 FR 47182).</b>
96-4	Tourist Railroads	Open task to address needs of tourist and historic railroads; working group monitored and assisted completion of the steam locomotive regulations task and will continue its oversight of task force activities. Planned future activities involve the review of other regulations for possible adaptation to the safety needs of tourist and historic railroads.
96-5	Steam-Powered Locomotives, revision of inspection standards	Tourist & Historic Working Group met with task force representatives 9/3/97. NPRM was approved by full committee in voting that concluded 2/17/98. NPRM published 9/25/98 (63 FR 51404). Public hearing held 2/4/99. Task Force developed, and Working Group approved, recommendations in response to comments received; NPRM approved by full Committee ballot 9/29/99. <b>Final rule published 11/17/99 (64 FR 62828).</b>
96-6	Locomotive Engineer Qualification and Certification, general revision	Task accepted 10/31/96; first working group meeting held 1/7-9/97. NPRM approved by full committee 5/14/98. NPRM published 9/22/98 (63 FR 50625). <b>Final rule published 11/8/99 (64 FR 60966).</b>
96-7	Roadway Maintenance Machines [Track Motor Vehicle and Roadway Worker Equipment]	Task accepted 10/31/96. The NPRM and the final rule amendment on GRMS were approved by the full RSAC in a mail ballot during August. FRA is preparing the final paperwork to publish the GMRS final rule amendment and the NPRM in the Federal Register.
96-8	Locomotive Crashworthiness and Working Conditions (planning task)	Planning task accepted 10/31/96; planning group met 1/23/97; two task statements were accepted by the full Committee at 6/24/97 meeting [see 97-1, 97-2]. <b>Planning task is COMPLETED.</b>
97-1	Locomotive Crashworthiness	Task accepted 6/24/97; working group held initial meeting 9/8-9/9/97. Established task force to review collision history and design options. Working group reviewed results of research, reached agreement regarding desired technical and performance-based standards, and is currently drafting performance-based standards for freight and passenger locomotives to present to the RSAC for consideration. The Working Group is also assisting in finalizing the collision data for the economic evaluation necessary to determine if the proposal will be cost beneficial.

97-2	Locomotive Cab Working Conditions	Task accepted 6/24/97; working group held initial meeting 9/10-11/97. The Working Group established task forces on noise and temperature. A Draft NPRM on sanitation has been circulated to the working group for final concurrence and may be presented during the full RSAC on September 14, 2000. A Noise Task Force has assisted with identifying options for strengthening the occupational noise exposure standard. The Cab Working Group has also considered issues related to cab temperature and is expected to consider additional issues (such as vibration) in the future. Full working group will address remaining noise exposure issues with a view toward preparation of an NPRM.
97-3	Event Recorders (data survivability, inspection, etc.)	Task accepted 6/24/97; working group first met 9/12/97. FRA is drafting full NPRM based on guidance from the working group and subject to its review.
97-4, 97-5, 97-6	Positive Train Control	Tasks accepted 9/30/97 and assigned to single working group. Standards Task Force is preparing NPRM for processor-based signal and train control systems. The NPRM will be voted on at the 9/14/00 full RSAC meeting. Data and Implementation Task Force completed report on the future of PTC systems; report accepted for forwarding to FRA by full Committee vote at 9/8/99 meeting. FRA enclosed report with letter Report to Congress signed 5/17/00.
97-7	Calculation of Damages for Reportable Train Accidents	Task accepted with modification 9/30/97. Working Group has been formed. Initial meeting held 2/8/99. The Working Group designed a survey form to collect data about damages to railroad equipment. The survey started 8/1/00 and will end 1/31/01. A statistical analysis will be done at the end of the survey to see if a method can be used to calculate property damages.
00-1	Blue Signal Protection of Workers	Task accepted 1/28/00; working group formed. Will hold its first meeting 10/16/00-10/18/00.

## SAFETY RULES AND REPORTS--GENERAL

### Accident/Incident Reporting

**Summary:** The Rail Safety Enforcement and Review Act barred FRA from adjusting the monetary threshold for reporting of train accident until the methodology was revised. In addition, FRA identified the need to comprehensively revise these regulations, which had not been revised since 1974.

**Deadline:** The report of the Committee of Conference on the Department of Transportation and Related Agencies Appropriation Act, 1996, directed FRA to issue a final rule in this proceeding by 6/1/96.

**History:** An NPRM was issued 8/19/94, followed by public hearings and written comment. A public regulatory conference was convened 1/30-2/3/95 in an effort to resolve outstanding issues. A notice of decision to issue a supplemental NPRM was published 7/3/95, but was withdrawn in a notice published on 1/24/96.

**Status:** Final rule was issued 5/30/96 and published 6/18/96 (61 FR 30940). Stay requests were denied, and technical amendments were published 11/22/96 (61 FR 59368). A notice of availability of custom software was also published 11/22/96 (61 FR 59485). On 12/16/96, the Administrator signed final rule amendments, which were published 12/23/96 (61 FR 67477). Final rule became effective 1/1/97. Industry training partnerships have been executed.

**Next steps:** FRA offered RSAC a task on 9/30/97 to review the definition of events required to be reported as train accidents, as requested by the Committee on 6/24/97. By request of the Committee, the task was limited to determination of damages qualifying an event as a reportable train accident. A working group has been formed and held its initial meeting 2/8/99. The working group has designed a survey form to collect specific data about damages on railroad equipment. The survey started on August 1, 2000 and will end on 1/31/01. The survey is voluntary, but most of the larger railroads are participating as well as four passenger railroads. A complete statistical analysis will be done at the conclusion of the survey to determine if a method can be used to calculate property damages.

## ***Blue Signal Protection***

**Summary:** On 8/16/93, FRA published a final rule permitting one or more utility employees to associate themselves with a train crew for the purpose of performing normal operating functions that require employees to go on, under or between rolling stock, without use of blue signal protection (which is ordinarily appropriate for mechanical duties). During the proceeding it was noted that rules for locomotive engineers working alone were not clearly defined. FRA published a final rule amendment governing single engineers working alone on 3/1/95, but granted a requested suspension of the amendment on 6/9/95 pending development of additional facts. Since that time, additional blue signal issues have continued to emerge, including application of the requirements to contractors performing the subject functions on railroad property.

**Status:** On 10/31/96, the RSAC advised FRA that this project should not be proposed for early tasking, given conflicting demands on the resources of member organizations. RSAC accepted task at the 1/28/00 full Committee meeting. A working group has been formed and will hold its first meeting on 10/16-18/00 in Washington, DC.

## **Bridge Displacement Detection Systems (Report)**

**Summary:** The Federal Railroad Safety Authorization Act of 1994 required FRA to submit a report on systems to detect bridge displacement of the type that caused the derailment of the Sunset Limited at Mobile, Alabama, 9/22/93.

**Statutory deadline:** 5/2/96

**Status:** A technical evaluation report was published 6/23/94 and made available to the respective committees. A formal report was issued and forwarded to the Congress on 4/11/00.

## **Control of Alcohol and Drug Use; Application of Random Testing and Other Requirements to Employees of a Foreign Railroad Who Are Based Outside the United States and Perform Train or Dispatching Service in the United States**



**Summary:** In general, FRA's regulation on the control of alcohol and drug use (49 CFR Part 219) currently applies to all railroads that operate on the general rail system of transportation in the United States. However, part 219 presently exempts from subparts operations by foreign railroads and certain small railroads. In this notice, FRA proposes to narrow the scope of these exemptions.

**Status:** FRA completed the NPRM, which is in review and clearance in the Executive Branch.

## ***Event Recorder Next-Generation Performance Standards***

**Summary:** The National Transportation Safety Board has noted the loss of data from event recorders in several accidents due to fire, water and mechanical damage. In issuing final rules for event recorders which became effective 5/5/95, FRA noted the need to provide more refined technical standards. NTSB proposed performance standard for data survivability.

**Background:** Conducted an initial meeting of an informal working group comprised of AAR, RPI, and labor, and co-chaired by NTSB and FRA experts, on 12/7/95 to consider development of technical standards. At the RSAC meeting on 7/24-7/25/96, the AAR agreed to continue this inquiry, and on 11/1/96, AAR reported to the RSAC the status of work on proposed industry standards. On March 5, 1997, NTSB issued recommendations regarding testing and maintenance of event recorders as a result of finding in the investigation of the BNSF accident of 2/1/96 at Cajon Pass, California. On 3/24/97, the RSAC indicated its desire to receive a task to consider NTSB recommendations with respect to crash survivability, testing and maintenance.

**Status:** RSAC accepted task 6/24/97. Event Recorder working group first met 9/12/97. The working group has reviewed an initial draft of the NPRM, and FRA is integrating the comments. (Task No. 97-3).

## **Florida Overland Express**

**Summary:** FRA received a petition for a rule of particular applicability for operations over a new high-speed railroad between Miami and Tampa via Orlando. The State of Florida had established a dedicated funding stream of \$70 million per year towards creation of this new private/public partnership.

**Status:** Received petition for rule of particular applicability 2/18/97. FRA issued NPRM 12/12/97 (62 FR 65478). Comment period closed. FRA reviewed comments received and held a public hearing on 11/23/98 to discuss a variety of issues. The State of Florida withdrew its support and funding for this project 1/99, suspending all activity on development.

## **Freight Car Safety Standards; Maintenance-of-Way Cars**

**Summary:** Cars not in compliance with the Freight Car Safety Standards may be operated at track speed in revenue trains if they are company-owned, stenciled cars. FRA published an NPRM 3/10/94 to close this loophole. FRA requested the Association of American Railroads to amplify its comments by letter of 12/20/94.

**Status:** AAR response received 8/4/95 is under review. FRA offered a task to the RSAC to resolve final rule issues on 9/30/97, but objection from the AAR prevented the matter from coming to a vote. FRA will prepare final rule.

## ***Locomotive Crashworthiness and Working Conditions***

**Summary:** The Rail Safety Enforcement and Review Act of 1992 required FRA to conduct a proceeding regarding locomotive crashworthiness and working conditions and to issue regulations or submit a report. Areas for consideration included structural means of preventing harm to crew members in collisions

(collision posts, anticlimbers, etc.) and matters related to safety, health and productivity (e.g., noise, sanitation).

**Statutory deadline:** 3/2/95

**Background:** FRA conducted research, outreach, and a survey of locomotive conditions and finalized a report to the Congress transmitted by letter of September 18, 1996. The report conveyed data and information developed by FRA to date, closed out those areas of investigation for which further action is not warranted, and defined issues that should be pursued further in concert with the industry parties, either for voluntary or regulatory action. On 10/31/96, the RSAC accepted a preliminary planning task. The Locomotive Crew Safety Planning Group met 1/23/97, and subsequent consultations led to preparation of task statements.

**Status:** RSAC accepted two tasks 6/24/97. (RSAC Task 97-1, locomotive crashworthiness; and Task 97-2, locomotive cab working conditions).

**Locomotive Crashworthiness** Working Group met 9/8-9/97 and established a task force on engineering issues that has been active in reviewing collision history and design options. The Working Group reviewed the results of research and is drafting performance-based standards for freight and locomotives to present to the RSAC for consideration. A working group team has concluded its development of accident data that will be used in the economic analysis.

**Locomotive Cab Working Conditions** Working Group met for the first time 9/10-11/97 and established task forces on noise and temperature, which have been working actively. A draft sanitation NPRM is under review by the working group and may be presented during the full RSAC on 9/14/00. The working group will be asked to reconvene this summer to complete work on a noise exposure standard and will also be asked to consider the issue of temperature extremes in the locomotive cab. The group is expected to consider additional issues (such as vibration) in the future.

## ***Locomotive Engineer Certification ; Miscellaneous Revisions***

**Summary:** The final rule for locomotive engineer certification became effective in 1991, but certain issues were left unresolved. Experience under the rule has raised additional issues. Examples of issues under review include the status of operators of specialized maintenance of way equipment and types of conduct for which decertification is appropriate.

**Status:** An interim final rule amendment dealing with agency practice and procedure concerning engineer certification appeals was published 10/12/95. Issues related to procedures on the properties, offenses warranting decertification, periods of decertification, operation of specialized equipment, etc., are pending. The RSAC accepted this task on 10/31/96. The Working Group's initial meeting was held 1/7-1/9/97. Final meeting to review proposed rule language was held 10/7-10/9/97, and task force on hearing and vision met 10/21/97 to finalize language. The full committee voted 5/14/98 to recommend issuance of the NPRM forwarded by the Working Group. The NPRM was published 9/22/98 (63 FR 50625) (RSAC Task 96-6.) The Working Group met to resolve issues presented in public comments, and on 1/28/99 the RSAC voted to transmit recommendations regarding issues for which the Working Group had received comments. **The final rule was published 11/8/99 (64 FR 60966); effective date 1/7/00.** (FRA Docket No. RSOR-9. Notice 12).

## **Northeast Corridor (NEC) Signal & Train Control**

**Summary:** Amtrak is planning operations to 150 mph on portions of the NEC and is implementing improvements to the automatic train control system that will provide positive stop and continuous speed control capabilities. FRA's Northeast Corridor Safety Committee (NCSC) met 9/20/94 and approved a set of performance criteria for the new system.

**Status:** On 1/30/97, Amtrak provided to FRA a draft system concept for the Advanced Civil Speed Enforcement System (ACSES), including conditions for operation on designated territories on the south and north ends of the NEC. Final details were received by FRA on 7/9/97. A notice of Proposed Order for the new signal and train control system authorizing speeds to 150 miles per hour (135 mph on the South End with only high-speed trains equipped under “flanking protection”) was published 11/20/97 (62 FR 62097), and written comments were due by 12/22/97. As a result of requests, a public hearing was set for 2/17/98 (63 FR 3389), and the comment closing date was extended to 2/24/98. **Final Order of Particular Applicability published 7/22/98 (63 FR 39343); effective 8/21/98.**

## **NEC System Safety**

**Summary:** Mixed passenger and freight operations at speeds to 150 mph have not previously been attempted in this country. Through the Northeast Corridor Safety Committee (or a successor), FRA intends to review system safety planning by operators on the NEC, particularly with respect to interactions among the various services.

**Status:** Timing of project initiation to be determined. Will focus on enhancement and integration of individual railroad system safety plans to address complex NEC operations. At RSAC meeting of 1/28/00, concern was expressed over accepting this as a task. FRA is in consultation with NEC operators regarding this issue.

## ***Passenger Equipment Safety Standards***

**Summary:** The Federal Railroad Safety Authorization Act of 1994 (enacted 11/2/94) required FRA to issue initial passenger safety standards within 3 years and complete standards within 5 years. The agency was authorized to consult with industry parties outside the Federal Advisory Committee Act, making it possible to conduct an informal negotiated rulemaking.

**Statutory deadline:** 11/2/97 (initial); 11/2/99 (final).

**Status:**

**Phase I:** An initial meeting of the Passenger Equipment Safety Working Group (passenger railroads, operating employee organizations, mechanical employee organizations, and representatives of rail passengers) was held on 6/7/95, and the group met regularly to develop an NPRM. Manufacturer/supplier representatives served as associate members. FRA prepared an ANPRM indicating the issues under review by the working group, which was published 6/17/96 (61 FR 30672). The working group held its final meeting on the NPRM 9/30-10/2/96, having reached consensus on a portion of the issues presented. An NPRM was published 9/23/97 (62 FR 49728). The public hearing was held 11/21/97 (see 62 FR 55204; 10/23/97). Comments were due 11/24/97. Final working group meeting on the initial standards was held 12/15-12/16/97, and an additional meeting on intercity and high speed issues was held 1/6/98. The final rule was published 5/12/99 (64 FR 25540). **Final rule amendments responsive to petitions for reconsideration on issues regarding inspection, testing and maintenance of passenger cars were published 7/3/00 (65 FR 41284).** FRA is finalizing additional amendments in response to petitions for reconsideration.

**Phase II:** The first phase of this rulemaking activity, including the passenger emergency preparedness proceeding described below, resulted in comprehensive safety standards for passenger service. Phase II will address enhancements based on ongoing research, development of detailed standards by the American Public Transportation Association Passenger Rail Equipment Safety Standards (PRESS) task force, and other identified needs. This phase will commence during 2000 but will be progressed through targeted rulemakings as research results and consultations mature.

## ***Passenger Train Emergency Preparedness***

**Summary:** The Federal Railroad Safety Authorization Act of 1994 required FRA to issue emergency preparedness standards for passenger service. Initial standards were required within 3 years and complete standards within 5 years. The agency was authorized to consult with industry parties outside the Federal Advisory Committee Act, making it possible to conduct an informal negotiated rulemaking.

**Statutory deadline:** 11/2/97 (initial); 11/2/99 (final)

**Background:** An initial meeting of the working group for passenger train emergency preparedness standards was held on 8/8/95. The group met 2/6-7/96 to develop elements of an NPRM and met jointly with the Passenger Equipment Safety Standards Working Group on 3/26/96 to consider related issues, including the implications of Emergency Order No. 20 and recommendations of the National Transportation Safety Board. The working group included representatives of passenger railroads, operating employee and dispatcher organizations, and rail passenger organizations, and an advisor from the National Transportation Safety Board. The working group approved draft rule text, which was incorporated in an NPRM forwarded for review and clearance. Changes requested during review and clearance were provided to the working group during the week of 12/16/96.

**Status:** The NPRM was published 2/24/97 (62 FR 8330), and a notice of public hearings was published 3/6/97 (62 FR 10248). Public hearings were held in Chicago on 4/4/97 and in New York City on 4/7/97. Written comments were due by 4/25/97. The working group met 8/28/97 and agreed in principle to revisions for inclusion in the final rule. **The final rule was published 5/4/98 (63 FR 24630), and a correction notice was published 7/6/98 (63 FR 36376).**

**NOTE:** The following order is closely associated with the two prior entries:

### **Emergency Order No. 20**

**Summary:** This order deals with the safety of push/pull and electric multiple unit service. The order was issued 2/20/96 (61 FR 6876; 2/22/96), and amended 2/29/96 (61 FR 8703; 3/5/96). Intercity and commuter passenger railroads were required to adopt operating rules providing for observance of reduced speed where delays are incurred in blocks between distant signals and signals at interlocking or controlled points. Marking of emergency exits and testing of emergency windows was required. Interim system safety plans were required to be filed.

**Status:** The order has been fully implemented. On 3/26/96, the Passenger Equipment Safety Working Group and the Emergency Preparedness Working Group met jointly to consider implementation issues and crossover issues with the two rulemaking proceedings and recent recommendations of the National Transportation Safety Board. The American Public Transit Association and its members have undertaken a number of actions in response to the emergency order, including development of comprehensive system safety plans. Codification, revision or termination of provisions will be considered during the second phase of passenger safety standards rulemaking.

## ***Positive Train Control***

### **Evaluation of needs and feasibility (implementation):**

**Summary:** These tasks involve defining PTC functionalities, describing available technologies, evaluating costs and benefit of potential systems, and considering implementation opportunities and challenges, including demonstration and deployment. (RSAC Tasks 97-4 and 97-5).

**Status:** Accepted by RSAC 9/30/97. Please see entry on RSAC summary.

### **Performance standards for PTC systems :**

**Summary:** Existing signal and train control regulations are built around relay-based controllers and traditional track circuits, but technology is rapidly advancing. This task requires revising various regulations, including 49 CFR Part 236, to address the safety implications of processor-based signal and train control technologies, including communication-based operating systems. The purpose of the effort is to encourage deployment of innovative technology by providing a predictable environment. (RSAC Task 97-6).

**Status:** Accepted by RSAC 9/30/97. Please see entry on RSAC summary.

### **Progress Report to the Congress:**

**Summary:** The Swift Rail Development Act of 1994 required FRA to submit a status report on the implementation of positive train control as a follow-up to the 7/94 Report entitled *Railroad Communications and Train Control*.

**Statutory deadline:** 12/31/95

**Status:** The Report was issued in letter format and forwarded to the Congress on 5/17/00. It enclosed the RSAC Report entitled *Implementation of Positive Train Control Systems* (approved 9/8/99).

## ***Power Brakes***

**Summary:** The Rail Safety Enforcement and Review Act of 1992 required FRA to revise the power brake regulations. The statute required adoption of requirements for 2-way end-of-train telemetry devices (EOTs) and "standards for dynamic brakes."

**Statutory deadlines:** Final rule by 12/31/93; 2-way EOTs to be used on trains operating greater than 30 miles per hour or in mountain grade territory to be equipped by 12/31/97.

**Status:** FRA published an NPRM 9/16/94 and conducted six days of public hearings ending 12/94. Due to strong objections to the NPRM, additional options were requested from passenger interests by 2/27/95 and from freight interests by 4/3/95. Further action is as follows:

- 1) ***Passenger standards revision:*** FRA requested the Passenger Equipment Safety Standards Working Group to incorporate new proposals for revisions of the power brake regulations in the NPRM for passenger equipment safety. Working group proceedings on the elements of the NPRM concluded 10/2/96 without full agreement on power brake elements. See Passenger Equipment Safety Standards for final rule action.
- 2) ***Freight standards revision:*** On 4/1/96, the RSAC accepted the task of preparing a second NPRM. The working group initiated its efforts in May, and on 10/31/96 the RSAC extended the deadline for a final report until 1/15/97. At the working group meeting 12/4/96, an impasse was declared, and subsequent efforts to revive discussions were not successful. On May 29, FRA notified the working group by letter that the task will be formally terminated. FRA withdrew task at 6/24/97 full Committee meeting. FRA prepared second NPRM reflective of what was learned through the collaborative process. NPRM published 9/9/98 (63 FR 48294) (FRA Docket No. PB-9, Notice No. 13). (RSAC Task 96-1--terminated). Public hearings were conducted on 10/26/98 and 11/13/98 and a technical conference was held on 11/23-24/98. Final date for submission of comments extended until 3/1/99. FRA has prepared the final rule, which is in review and clearance within the Executive Branch. Once that process has been completed the final rule will be published in the Federal Register.
- 3) ***Two-way end-of-train devices:*** FRA published notice on 2/21/96 that this issue would be separated from the balance of the freight issues and expedited for completion of a final rule. A

public regulatory conference was convened 3/5/96 to explore remaining issues, and written comments were due 4/15/96. (Railroads also agreed to an expedited schedule that will ensure application of this technology by 12/15/96 on 2% or greater grades and by 7/1/97 for other trains.) The final rule was published 1/2/97 (62 FR 278), (FRA Docket No. PB-9, Notice No. 6), and it became effective 7/1/97. FRA received two petitions for reconsideration ("local train" definition and implementation date for smaller railroads). A notice denying the request to delete the tonnage restriction for local trains and granting extension of the compliance date for railroads with fewer than two million work hours was published 6/4/97 (62 FR 30461). On 11/4/97, held technical conference on petition of American Short Line Railroad Association regarding operation of very light trains over grade territory (see 62 FR 52370; 10/7/97); subsequently granted limited relief and received petition for reconsideration of conditions, which remains under review.

On 1/16/98, FRA published NPRM to clarify application of two-way EOT requirements to intercity passenger trains with express equipment at the rear (63 FR 195). **Final rule was issued 5/1/98 (63 FR 24130).** (FRA Docket No. PB-9, Notice No. 11).

**Note:** On 2/6/96, the Administrator issued Emergency Order No. 18, requiring use by the BNSF of 2-way EOTs or equivalent protection for heavy grade operations over the Cajon Pass (61 FR 505; 2/9/96).

## ***Railroad Communications (including Radio Standards and Procedures)***

**Summary:** In submitting the required report to the Congress on Railroad Communications and Train Control on 7/13/94, FRA noted the need to revise existing Federal standards for radio communications in concert with railroads and employee representatives.

**Status:** On 4/1/96, the RSAC accepted the task of preparing an NPRM, including consideration of communication capabilities required in railroad operations. The working group presented a consensus NPRM to the full Committee on 3/24/97, and the Committee voted to recommend issuance of the NPRM to the Administrator in balloting that ended 4/14/97. NPRM issued 6/11/97 and published 6/26/97 (62 FR 34544) (FRA Docket No. RSOR-12, Notice No. 4). Comment period closed 8/25/97. **Final rule published 9/4/98 (63 FR 47182).** (FRA Docket No. RSOR-12, Notice No. 5). (RSAC Task 96-3).

## **Regulatory Reinvention**

**Summary:** In response to the President's call for regulatory review, elimination and reinvention, FRA took several actions to repeal obsolete regulations and simplify agency processes that affect external customers. Major elements of this effort are included in regulatory revision efforts described under other headings.

**Status:** Interim final rule amendments reducing frequency of reporting regarding signal and train control systems (49 CFR Part 233), simplifying review requirements for certain modifications of signal systems (49 CFR Part 235), and making conforming changes regarding inspection of ATC/ATS/ACS (49 CFR Part 236) published 7/1/96 (61 FR 33871). These amendments are being prepared for publication. FRA is considering inclusion of a legislative proposal to permit flexibility for railroads to make accident/incident reports less frequently than monthly and to eliminate outdated requirements for notarization of reports in the Administration's proposed 1999 rail safety reauthorization legislation.

## ***Roadway Worker Safety***

**Summary:** In requiring the review of the Track Safety Standards, the Rail Safety Enforcement and Review Act of 1992 required FRA to evaluate the safety of maintenance of way employees. In addition, the Brotherhood of Maintenance of Way Employees and the Brotherhood of Railroad Signalmen petitioned FRA to issue "on-track safety" rules.

**Background:** FRA published a notice 8/17/94 initiating a formal negotiated rulemaking. The negotiated rulemaking committee reported a statement of principles 5/17/95 and completed an NPRM draft 8/95. NPRM published 3/14/96 (61 FR 10528); initial written comments were due 5/13/96. Public hearing held 7/11/96.

**Status:** The final rule was published 12/16/96 (61 FR 65959); effective 1/15/97. Petitions for reconsideration were denied in a notice published 4/21/97. A consolidated hearing on waiver petitions was held 5/22/97, and written comments were due by 6/9/97. FRA issued decisions on individual petitions as investigations and analysis were completed.

## **Safety Integration Plans**

**Summary:** In response to the proposed acquisition of Conrail by Norfolk Southern and CSX Transportation, FRA suggested, and the Surface Transportation Board required, that the petitioners file with the Board of Safety Integration Plans (SIPs). In coordination with the Board, FRA proposed regulations requiring preparation and FRA review of SIPs in connection with future railroad mergers.

**Status:** FRA and the STB jointly issued an NPRM 12/31/98 (63 FR 72225) to institutionalize the SIP process to ensure that proper safety planning and safety investments are undertaken during a merger. The proposed rule spells out the types of transactions that will require SIPs and outlines the roles of FRA and the STB in overseeing the SIP process. FRA has reviewed the comments and is preparing the final rule for Executive Branch review.

## **Small Railroads; Interim Policy Statement**

**Summary:** The Small Business Regulatory Enforcement Fairness Act of 1996 amended the Regulatory Flexibility Act and required, among other things, that each agency establish small business communication and enforcement programs.

**Statutory deadline:** 3/29/97

**Status:** Interim policy statement published 8/11/97 (62 FR 43024). FRA is reviewing comments received and developing a final policy statement. Public meeting to address definition of "small entity" was held on 9/28/99. FRA is preparing a final policy statement.

## ***Steam Locomotives***

**Summary:** A committee of steam locomotive experts from tourist and historic railroads has sought a partnership with FRA to revise the steam locomotive regulations. Proposed revisions would relieve regulatory burdens while updating and strengthening the technical requirements.

**Status:** Revision of the Steam Locomotive Inspection regulations was tasked to the RSAC on 7/24/96. A task force of the Tourist & Historic Railroads Working Group is actively working toward finalization of a final rule. NPRM rule text agreed upon within the task force was approved by the Tourist and Historic Working Group on 9/3/97 and provided to the RSAC on 9/30/97. The full RSAC approved the consensus NPRM by mail ballot 2/17/98. NPRM published 9/25/98 (63 FR 51404) (FRA Docket No. RSSL 98-1,

Notice No. 1). (RSAC Task 96-5). Public hearing held 2/4/99. Task Force formulated recommendations in response to comments received. The recommendations were accepted by the working group and the full Committee voted to incorporate the recommendations in the final rule. **The final rule was published 11/17/99 (64 FR 62828) (FRA Docket No. RSSL 98-1, Notice No. 3); effective date 1/18/00.**

## ***Roadway Maintenance Machines [Track Motor Vehicle and Roadway Equipment Safety]***

**Summary:** A 1990 petition to FRA from the Brotherhood of Maintenance of Way Employees asked FRA, among other requests, to propose standards for MOW equipment related to the safety of persons riding or operating that equipment. FRA elected not to pursue that issue at that time given other pending workload. However, this issue was renewed during the deliberations of the RSAC Track Safety Standards Working Group.

**Status:** On 10/31/96, the RSAC accepted a task of drafting proposed rules for the safety of this equipment. A task force of the Track Safety Standards Working Group was formed to address this issue. The NPRM and the final rule amendment on the Gage Restraint Measurement System were approved by the full RSAC in a mail ballot during August. FRA is preparing the final paperwork to publish the GMRS final rule amendment and Roadway Maintenance Machines NPRM in the Federal Register. (RSAC Task 96-7).

## ***Tourist Railroad Report / Review of Regulatory Applicability***

**Summary:** The Swift Rail Development Act of 1994 required FRA to submit a report to the Congress regarding FRA's actions to recognize the unique factors associated with these generally small passenger operations that often utilize historic equipment.

**Statutory deadline:** 9/30/95

**Status:** Report submitted to the Congress 6/10/96. The RSAC authorized formation of a Tourist and Historic Railroads Working Group 4/1/96. The working group held its initial meeting 6/17-6/18/96 and has monitored and assisted completion of the steam locomotive regulations task and will continue its oversight of task force activities, including the possible development of requirements for the training of steam locomotive operators and maintenance personnel. Planned future activities involve review of other regulations, such as track safety, emergency preparedness, and passenger equipment safety standards for possible adaptation to the safety needs of tourist and historical railroads. (RSAC Task 96-4).

## ***Track Safety Standards***

**Summary:** The Rail Safety Enforcement and Review Act of 1992 required FRA to revise the Track Safety Standards, taking into consideration, among other things, the "excepted track" provision. Other prominent issues include updating the standards to take advantage of research findings for internal rail flaw detection and gage restraint measurement. FRA also proposes to adopt track standards for high-speed service.

**Statutory deadline:** Final rule by 9/1/95.

**Background:** FRA published an ANPRM 11/6/92 and conducted workshops in the period 1/93-3/93. The Railroad Safety Advisory Committee accepted task of preparing an (NPRM) on 4/2/96. The Track Safety Standards Working Group reported a draft NPRM to the full committee on 10/31/96. In balloting that concluded 11/21/96, RSAC voted to accept the working group report and recommend issuance of the NPRM.



**Status:** NPRM signed 6/19/97 and published 7/3/97 (62 FR 36138) (FRA Docket No. RST-90-1, Notice No. 5). Hearing held 9/4/97; comment period closed 9/15/97. Additional comment was invited regarding certain high-speed track geometry issues by notice of 12/12/97 (62 FR 65401) not later than 12/22/97. **Final rule published 6/22/98 (63 FR 33991) (FRA Docket No. RST-90-1, Notice No. 8); effective 9/21/98.**

The final rule amendment on Gage Restraint Measurement System (GRMS) standards and the NPRM on Roadway Maintenance Equipment were approved by the full RSAC in a mail ballot during August. FRA is preparing the final paperwork to publish the GMRS final rule amendment and NPRM in the Federal Register. (RSAC Task 96-2).

## **U.S. Locational Requirement for Dispatching of U.S. Rail Operations**

**Summary:** New 49 CFR Part 241 would require all dispatching of railroad operations that occur in the United States to be performed in the United States, with certain exceptions.

**Status:** Drafting of the Interim Final Rule has been completed, and FRA has forwarded to the Executive branch for review.

## **HIGHWAY-RAIL CROSSING SAFETY**

### **Commercial Driver Disqualification - Railroad-Highway Grade Crossing Violation**

**Summary:** To enhance the safety of commercial motor vehicle (CMV) operations on our nation's highways and complete action initiated in response to the requirements specified in section 403 of the ICC Termination Act of 1995, the Federal Highway Administration (FHWA) revised its regulations (49 CFR Parts 383 and 384) to require that CMV drivers who are convicted of violating Federal, State, or local laws or regulations pertaining to railroad-highway grade crossings be disqualified from operating a CMV.

**Status:** Final rule published on 09/02/99 (64 FR 48104).

### **Grade Crossing Signals (Inspection, Testing and Maintenance)**

**Summary:** FRA issued a final rule for inspection, testing and maintenance of automated warning devices 9/30/94, and the rule went into effect 1/1/95 (49 CFR Part 234). During the initial year, FRA worked with railroads and signal employees to disseminate information, conduct training, and identify any areas of ambiguity or weakness in the standards. At a technical resolution committee (TRC) meeting during the week of 3/13/95 that included participation by railroads, the Brotherhood of Railroad Signalmen, and States, several issues were identified that require clarification or refinement. An interim manual dated 4/14/95 incorporated the findings of the TRC.

**Status:** Interim final rule amendments published 6/20/96 (61 FR 31802). FRA has prepared a notice to make the changes final which is expected to be published in the near future.

## Locomotive Visibility / Auxiliary Alerting Lights

**Summary:** In 1991, FRA initiated a new phase of research on locomotive conspicuity in relation to safety at highway-rail crossings. The Amtrak Authorization and Development Act of 1992 mandated that the research be completed and that a regulation be issued to apply alerting lights to locomotives.

**Statutory deadline:** Final rule by 6/30/95.

**Background:** FRA published a "grandfathering rule" on 2/3/93 and amendments on 5/13/94. After the research was substantially completed in early summer of 1995, FRA briefed the industry parties on the results, discussed options for regulatory action, and elicited additional information concerning railroads' progress in equipping their fleets. A Notice of Proposed Rulemaking was published on 8/25/95. The AAR and the ASLRA requested a technical conference to perfect the rule for final issuance, and that conference was held 11/28/95. Written comments were due by 12/12/95.

**Status:** Final rule was published 3/6/96 (61 FR 31802). Equipping of locomotives used as lead units at speeds exceeding 20 mph was required to be completed by 12/31/97, as provided by law.

## Private Highway-Rail Grade Crossings

**Summary:** The Secretary's Action Plan for Grade Crossing Safety (6/94) commits FRA to conducting a special safety inquiry on private crossings.

**Status:** Conducted workshop on possible guidelines 7/93; timing of further action to be determined.

## Selection of Grade Crossing Automated Warning Devices

**Summary:** FRA published a Notice of Proposed Rulemaking 3/2/95 (60 FR 11649) and received over 3,000 written comments through 6/14/95.

**Status:** Termination notice published 8/8/97 (62 FR 42733).

## Use of Locomotive Horns (Whistle Bans)

**Summary:** Legislation enacted with the Swift Rail Development Act of 1994 required FRA to issue regulations providing for the use of train horns at highway-rail crossings.

**Statutory deadline:** Final rule 11/2/96 (most hazardous crossings), 11/2/98 (other crossings).

**Background:** This legislative mandate anticipated FRA follow up to Emergency Order No. 15, which addressed local whistle bans on the Florida East Coast Railroad between Jacksonville and Miami. FRA released a report on the national impacts of local whistle bans on 6/1/95 and has conducted an extensive program of public outreach to make communities aware of the forthcoming rulemaking and to seek information on supplementary safety measures that would support allowance of quiet zones in communities sensitive to train horn noise. Contacts have been made with 160+ jurisdictions known to have whistle bans in place. FRA representatives have met with or addressed forums of state and local officials and community groups. Met with AAR/BRS/AAHSTO/FHWA 12/13/95 to address technical specifications for 4-quadrant gates.

Numerous congressional offices encouraged FRA to continue outreach and data collection. FRA advised the Congress that the deadline for an initial final rule would not be met as a result. Immediately prior to adjournment, the 104th Congress enacted the FAA reauthorization bill (PL 104-264; 10/9/96), which

included amendments to the original whistle ban legislation. In general, the legislation affirms the latitude available to the Secretary to provide for phase-in of regulations and focus on safety results.

**Status:** NPRM published 1/13/00 (65 FR 2230) (Docket No. FRA-1999-6439, Notice No. 1). Written comments were due 5/26/00. FRA held 12 public hearings and a technical conference to receive oral comments. Received and reviewed more than 3,000 comments (combined for the NPRM and draft environmental impact statement). Preparing final rule.

## HAZARDOUS MATERIALS

### *New Directions for Rail Hazardous Materials Safety*

**Summary:** FRA and RSPA have recently completed the two major pending rulemakings addressing hazardous materials tank car safety (crashworthiness and tank retests). With completion of these tasks, it is now possible to turn attention to recommendations of the Transportation Research Board regarding the tank car design and construction process. In order to further this work, FRA is joining with its public and private sector partners to define and prioritize short and long-range research programs, identify needs for rulemaking, and assist in development of improved industry standards.

**Status:** A public workshop was conducted 2/13/96-2/14/96 in Houston, with participation by labor, railroads, tank car owners, and shippers. FRA is seeking means of advancing public/private partnerships for North American tank car safety.

### Tank Car Crashworthiness and Retest

**Summary:** Research and Special Program Administration Dockets HM-175A and HM-201 addressed further improvements in tank car crashworthiness, and adoption of advanced non-destructive testing to improve tank retest procedures, respectively.

**Status:** Final rules published 9/21/95 (60 FR 49048).

## OTHER SAFETY PROJECTS AND PARTNERSHIP EFFORTS

### Bridge Structural Safety

**Summary:** Following a survey of bridge conditions and railroad inspection practices, FRA determined that regulatory action is not necessary, but that FRA should continue to exercise an oversight role regarding bridge structural safety programs. FRA issued an interim statement of policy 4/27/95, with comments due 6/26/95.

**Status:** Comments support continued FRA partnership role. **Final bridge policy statement published in the Federal Register on 8/30/00 (65 FR 52667).**

**Note:** On 2/12/96, the Administrator issued **Emergency Order No. 19**, which removed from service a bridge on the Tonawanda Island Railroad in New York State pending necessary structural repairs (61 FR 628; 2/16/96). In 12/16/99, the Administrator reissued Emergency Order No. 22, which removed from

service a bridge on the Oregon Pacific Railroad in Oregon State pending inspection of repairs to assure safety. (64 FR 71844; 12/16/99). This Emergency Order was partially lifted by order of 1/20/00. (65 FR 5018; 2/21/00).

## Discolored Wheels

FRA has granted a master waiver of the Freight Car Safety Standards permitting continued use of discolored heat-treated, curved plate wheels, which have superior resistance to thermal abuse. Data gathered under the waiver, together with results of analysis already provided, may support a permanent change in the regulation.

## Environmental Impacts

FRA revised its Procedures for Considering Environmental Impacts to update or eliminate outdated references to programs or statutory authorities that no longer exist and to correct inconsistencies with the Council on Environmental Quality's National Environmental Policy Act implementing regulations. **The revised procedures were published in the Federal Register on 5/26/99 (64 FR 28545).**

## Hours of Service Electronic Recordkeeping

Current hours of service record keeping uses paper and ink, but a major railroad has been given relief to keep electronic records. Other railroads have expressed interest, and similar waivers will involve similar issues. At FRA's invitation, the AAR submitted a petition seeking a master waiver for use of electronic record keeping. However, individual railroads have elected to proceed separately, and FRA is processing each on its merits. Permanent amendments to the recordkeeping and reporting requirements may be proposed. FRA is assisting railroads in developing electronic systems by providing guidance materials.

## Remote Control Locomotives

Current regulations contemplate operation of a locomotive exclusively from within the cab, and provision for the safety of the operation is made within that context. FRA has previously proposed a test program to gather more data on various types of operations. FRA has also held an informal safety inquiry regarding use of one-person crews and remote control locomotives on the Wisconsin Central (see 61 FR 58736; 11/18/96). **On 5/15/00, FRA published a notice of a technical conference to examine the current status of safety issues related to this technology (65 FR 31056).** The technical conference was held on July 19, 2000. Total meeting attendance, including presenters, was approximately 120. The Technical Conference focused on the changes in RCL operations that have occurred over the past five years.

## Shared Use of General Railroad System - Joint Statement of Agency Policy

FRA and the Federal Transit Administration (FTA) have been working together to develop a policy concerning safety issues related to light rail transit operations on the general railroad system, how the two agencies intend to coordinate use of their respective safety authorities, and the waiver process related to shared use operations. A proposed joint statement of policy was published 5/25/99 (64 FR 28238) with comments due on 7/30/99. Comment period extended on 7/28/99 to 10/29/99 (64 FR 40931). Additional extension on 10/28/99 to 1/14/00 (64 FR 58124). **Final Joint Policy Statement published 7/10/2000 (65 FR 42526).** (Docket No. FRA-1999-5685.)

## Shared Use of General Railroad System - FRA Jurisdiction Policy Statement

FRA issued a proposed statement of agency policy on 11/1/99 (64 FR 59046) (FRA Docket No. FRA-1999-5685, Notice No. 4) describing the extent of its statutory jurisdiction over railroad passenger operations (which covers all railroads except urban rapid transit systems not connected to the general railroad system) and to explain how it will exercise that jurisdiction. Comments were due by 1/14/00. **Final Policy Statement published 7/10/2000 (65 FR 42529).**

## TOFC/COFC Securement

**Summary:** Following a serious accident at Smithfield, N.C., on 5/16/94, FRA formed a partnership with major railroads and labor organizations to evaluate and improve securement of intermodal loads. A report to the Secretary dated 9/15/94 documented the initial results of that effort.

**Status:** FRA held a meeting on 2/22/95 that focused on an item-by-item discussion of the status and progress made within the industry with respect to the seven recommendations identified in the report to the Secretary. The AAR has established an Intermodal Equipment Handling Task Force that has developed a number of training aids. A follow-up TOFC/COFC loading and securement safety survey was conducted during 1996. FRA conducted additional loading and securement field evaluations during July-August 1997. Joint training activity brought together railroads, TTX and FRA to maintain strong emphasis on compliance with AAR loading requirements. FRA continues to monitor securement of trailers and trucks in transportation and to work on this issue through SACP's on individual railroads.

## *Train Dispatcher Training*

FRA submitted a report to the Congress on 1/5/95 regarding the functions of contemporary train dispatching offices. The report noted that traditional pools of candidates for recruitment of train dispatchers are no longer adequate to the need. In partnership with the American Train Dispatchers Department/BLE (ATDD), FRA identified the need for a model train dispatcher training program.

Experts from Amtrak, the ATDD, the Burlington Northern/Santa Fe Railroad and FRA developed a list of elements for dispatcher training programs. Required competencies and training program elements have been abstracted from this effort for a model program. The RSAC was briefed on this effort on 3/24/97, with participants in the training task force indicating reluctance to attempt a "one size fits all" regulatory approach.

## Wisconsin Central R.R.; Informal Safety Inquiry

**Summary:** FRA sought to gather information regarding plans by the railroad to expand use of one-person crews and remote control operations.

**Status:** A notice of special safety inquiry was published 11/18/96 (61 FR 58736). A public hearing was held 12/4-12/5/96 in Appleton, Wisconsin. Written submissions were requested by 12/2/96. FRA entered into an agreement with the railroad providing for a moratorium on new single person crew and remote

control operations, together with other undertakings related to compliance with FRA regulations. The railroad has completed its responsibilities under the agreement.

## SAFETY ADVISORIES/DIRECTIVES/BULLETINS (FEDERAL REGISTER NOTICES)

### Advisories

- 2000-2**     **Signal Units.** This advisory recommends replacement of certain components in Harmon Industries' "Electro Code 4" and "Electro Code 4 Plus" intermediate signal units.
- 2000-1**     **Model B1 relays.** This advisory asks railroads to inspect and test certain relays for which there is a concern regarding potential malfunction. **Published 5/11/00 (65 FR 30474).**
- 99-3**     **Securement of floor beam cross-members on RoadRailer trailers:** Safety practices to prevent the highway tandem wheel on RoadRailer trailers from falling onto the rails on moving trains. **Published 11/10/99 (64 FR 61377).**
- 99-2**     [Not issued.]
- 99-1**     **Lifting or jacking of railroad equipment:** Safety practices related to lifting or jacking of railroad equipment in order to remove trucks or repair other components on a piece of railroad equipment which requires individuals to work beneath railroad equipment while it is raised. **Published 6/16/99 (64 FR 32300).**
- 98-3**     **Safe Use of Prescription and Over-the-Counter Drugs:** Safety practices for the safe use of prescription and over-the-counter drugs by safety-sensitive railroad employees. **Published 12/24/99 (63 FR 71334)**
- 98-2**     **Emergency application of airbrakes:** Safety practices to reduce the risk of casualties caused by failure to activate the available two-way end-of-train telemetry device (two-way EOT) to initiate an emergency brake application beginning at the rear of the train when circumstances require an emergency application of the train airbrakes. **Published 6/5/98 (63 FR 30808).**
- 98-1**     **Vision standards of certified locomotive engineers:** Addresses the vision standards of certified locomotive engineers in order to reduce the risk of accidents arising from vision impaired engineers. **Published 5/28/98 (63 FR 29297).**
- 97-3**     **Authorization of train movements past stop indications of absolute signals:** Safety practices to reduce the risk of accidents arising from conflicting train movements when train dispatchers and control operators authorize movements past a stop indication of an absolute signal. **Published 9/18/97 (62 FR 49047).**
- 97-2**     **Failure to properly secure unattended rolling equipment:** Safety practices to reduce the risk of casualties from runaway locomotives, cars, and trains caused by failure to properly secure unattended rolling equipment left on sidings or other tracks. **Published 9/18/97 (62 FR 49046)**
- 97-1**     **Protection of trains and personnel from hazards caused by severe weather conditions:** Safety practices to reduce the risk of casualties from train derailments caused by damage to tracks, roadbed and bridges resulting from uncontrolled flows of water and similar weather-related phenomena. Note: This was amended on November 12, 1997, by revising the recommendations concerning the transmission of flash flood warning to train dispatchers or other employees controlling the movement of trains. **Published 9/4/97 (62 FR 46794).**

### Directives

- 97-1 Review of operational tests and inspection programs and review of train dispatching procedures in non-signaled territory:** Safety practices to evaluate the integrity of all railroads' programs of operational tests and inspections to ensure that safety-critical information is accurately conveyed and acknowledged for operations in non-signaled Direct Train Control (DTC) territory. **Published 6/30/97 (62 FR 35331).**

## **Bulletins**

- 97-2 Initiating emergency application of train airbrakes descending heavy grades:** Safety practice to prevent run-away trains on heavy grades of 2 percent or greater by initiating emergency application of airbrakes whenever train speed exceeds maximum authorized speed by five miles or more. **Published 2/27/97 (62 FR 9014).**
- 97-1 Loss of dynamic braking due to unintentional activation of emergency MU fuel-line cut-off device:** Safety practices for certain locomotives equipped with emergency MU fuel-line cut-off devices located inside the locomotive control compartment at a location which enables the cut-off device to be activated unintentionally. **Published 1/30/97 (62 FR 4569).**